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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,030	07/11/2001	Randal Raymond Stark	24-NS-6032	4335

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EXAMINER

WEST, JEFFREY R

ART UNIT PAPER NUMBER

2857

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/682,030

Applicant(s)

STARK ET AL.

Examiner

Jeffrey R. West

Art Unit

2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

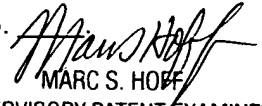
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: \_\_\_\_\_

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Continuation of 2: The proposed amendment to claims 1, 18, and 28 requiring providing a schedule of future inspection requirements sortable by at least one of data, component, criteria satisfaction, and defect indication and notifying a user of events affecting the inspection schedule, is a new issue that was not earlier presented and would require additional search and/or consideration.

Continuation of 5: Applicant argues that "it would not be obvious to combine the teachings of Uchida et al., and the teachings of Ikeda et al., and the teachings of Buhrow et al., and the teachings of Eryurek et al., and the teachings of Klinvex et al. because there is no motivation to do so other than the teachings of Applicants' application."

The Examiner first contends that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

With respect to the combination of Uchida and Ikeda the Examiner maintains that motivation exists because although Uchida does disclose sending data to a central location, Uchida does not teach the corresponding method or system for performing this function. It would have been obvious to one having ordinary skill in the art to modify the invention of Uchida to include a corresponding method and system for sending data to a central location, as taught by Ikeda, because, as suggested by Ikeda, the combination would have provided clear results presented to skilled maintenance workers to significantly reduce the time and effort required to solve any pending problems (0003-0004) as well as prevented a third party from accessing the plant data (0035).

With respect to the combination of Uchida and Buhrow the Examiner maintains that it would have been obvious to one having ordinary skill in the art to modify the invention of Uchida to include modifying the next required inspection of each plant component based upon inspection result information, as taught by Buhrow, because Buhrow suggests that the combination would have allowed the current inspection requirements to be updated with respect to inspection results specific to each individual monitored component of the plant (column 1, line 55 to column 2, line 30). In this way the system will optimize required manpower and meet safety requirements by making a distinction between components that degrade quickly, and require frequent inspection, and components that do not degrade quickly, requiring sporadic inspection.

With respect to the combination of Uchida and Klinvex, Applicant argues that "Klinvex et al. do not describe nor suggest a method of performing weld inspections that specify the data correspond to inspection regulations or recommendations. Rather, Klinvex et al. teach a universal tool for ultrasonic weld inspections of tubular objects in a nuclear reactor that are required to be inspected on a periodic basis by government regulations." The Examiner maintains that since the invention of Uchida and Ikeda teaches a monitoring system including cross-referencing component data with inspection results and operation data for reactor welds (Uchida et al., column 13, lines 48-60) but does not teach a method for obtaining the weld data (i.e. ultrasonic testing) or specifically teach that the data correspond to inspection regulations or recommendations for the specific components (i.e. welds) and since Klinvex teaches that inspections of reactor welds are required to be performed according to government regulations, it would have been obvious to one having ordinary skill in the art to combine the inventions of Uchida and Klinvex because the combination would have provided the means necessary to test the reactor welds of Uchida and Ikeda, and further, as suggested by Klinvex, by cross-referencing the component data against inspection regulations the combination would have provided a method for determining, not only whether the components meet inspection criteria set by the plant operator, but also whether the components meet the inspection regulations required by law (column 1, lines 39-57 and column 4, line 64 to column 5, line 9). Further, the invention of Buhrow also teaches using inspection results to insure that the inspection schedule is updated to meet required safety standards (i.e. requirements) (column 13, line 67 to column 14, line 7).

Finally, with respect to the combination of Uchida and Eryurek, Applicant argues that "Uchida et al. already teaches a means of displaying evaluation results (see Figure 14) and there has been no showing that there is a need to modify the display means taught by Uchida et al." The Examiner asserts that the combination would have provided a method for conveniently displaying results of diagnosis of many different aspects of plant operation to one location for easy monitoring and control by an operator through the use of user-friendly interfaces eliminating the need for more physical user interaction.